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MAYOR

## Harrisburg Bureau of Police



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CHIEF

DATE OF ISSUE: November 1, 2017	EFFECTIVE DATE: November 1, 2017	GENERAL ORDER #: 17-102	EXPIRATION DATE: <i>Until Amended or Rescinded</i>
SUBJECT: <i>Sexual Assault Testing and Evidence Collection</i>		DISTRIBUTION: All Personnel	AMENDS: N/A
REFERENCE: PLEAC 4.14.1			RESCINDS: N/A

### I. Purpose

This directive is designed to outline the operational and administrative guidelines for the Sexual Assault Testing and evidence collection.

### II. Sexual Assault Testing and Evidence Collection

A. In accordance with the provisions of Act 27, protocols have been established regarding the collection, storage, and testing of sexual assault evidence.

#### B. Collection and Testing

1. As soon as practical, health care facilities are required to notify the Harrisburg Bureau of Police of the existence of evidence from a sexual assault that occurred in our jurisdiction.
2. Harrisburg Bureau of Police shall take possession of the sexual assault evidence within 72 hours of receiving the notice in B.1. above.
3. If a victim wishes to consent to the testing of the sexual assault evidence, the victim or a victim advocate acting at the victim's direction shall provide written notice to the local law enforcement agency and the district attorney of the jurisdiction where the reported sexual assault occurred. If the collection kit used at the medical facility does not have the Commonwealth of Pennsylvania Sexual Assault Evidence Collection Kit Consent for Testing form, the employee collecting

the kit shall provide the form to the victim for signature, if present. No kit shall be tested without the signed consent form.

4. Within 15 days of receiving written notice of consent to the testing of the sexual assault evidence, the Harrisburg Bureau of Police shall submit the evidence awaiting testing to the Pa State Police Crime Lab for testing or analysis.
5. For those cases in which the victim has not yet consented to testing the evidence, the evidence shall be preserved and stored for a period of no less than two (2) years, unless consent is provided before that period.
6. A Harrisburg Bureau of Police Evidence Custodian shall be notified of all sexual assault related evidence, that is being placed into the Temporary Evidence Storage Lockers. All wet evidence will be dried prior to packaging. All Sexual Assault Kits (SAK) containing vials of blood shall be kept in the Evidence Room Refrigerator. Sexual Assault kits containing no blood samples, shall be stored in the Bio-Hazard section of the Evidence Room.

#### C. Reporting

1. An annual report must be filed each year as per requirements of the Pennsylvania State Police. The Annual Backlogged Evidence Report captures the backlogged evidence located in the Police Department. This report is due each year by January 31<sup>st</sup>. It should include sexual assault evidence that is awaiting testing for 12 months or more. The Harrisburg Bureau of Police Department should submit an annual report even if there is ZERO backlogged sexual assault evidence.

#### D. Evidence deemed to be "awaiting testing" if it meets all the following conditions:

1. It has been collected by and is in possession of the department.
2. It has not received DNA and other appropriate forensic analyses.
3. It is related to a criminal case or investigation in which final disposition has not been reached.
4. It should undergo DNA or other appropriate forensic analysis as determined by the department or the Dauphin County District Attorney's Office.

#### E. Notably, a case or investigation has reached final disposition if:

1. A conviction or acquittal of all suspected perpetrators of the crime is involved.
2. The department has in possession sexual assault evidence and has determined the case unfounded.
3. A declaration is made by the victim that a sexual assault has, in fact, not occurred.

AUTHORIZED SIGNATURE:   
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